

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

NEFY MENDEZ,

Defendant.

20-cr-00153 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

Defendant Nefy Mendez is charged with five separate specifications of violation of supervised release, four relating to alleged unlawful possession of a firearm and fifth relating to unlawful possession of ammunition. After defendant denied the charges, the Court convened an evidentiary hearing on January 29, 2025. Based on the evidence presented by the parties at that hearing, the Court concludes that the Government has not shown by a preponderance of the evidence that defendant violated the conditions of supervised release by unlawfully possessing a firearm and ammunition. As the Court stated during the hearing, the evidence of such possession consists almost entirely of the available video footage, which is of low-grade resolution and provides only an obstructed view of what transpired at the scene where the police recovered the firearm and ammunition in question. At most, the street video camera footage shows defendant picking up an unrecognizable object and placing it near or in a parked van. Many minutes later, when the police officers showed up at the

scene (after other individuals had arrived at and left the scene), the officers found defendant and one other individual in the vicinity of the van. Separately, the officers found a loaded weapon in a small black bag in the van. The Court concludes that the supposition that it was the defendant who placed the bag with the loaded firearm in the van is speculative at most. For the above-stated reasons, the Court dismisses the five specifications. Separately, the Court has signed an order directing that the defendant be released from custody forthwith.

SO ORDERED.

New York, NY
January 31, 2025



JED S. RAKOFF, U.S.D.J